

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

ANTHONY L. TENON,
Plaintiff

v.

WILLIAM DREIBELBIS, *et al.*,
Defendants

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CIVIL NO. 1:12-CV-1278

O R D E R

AND NOW, this 17th day of December, 2012, upon consideration of the report and recommendation ("R&R") of Magistrate Judge Blewitt (Doc. 20), to which no objections have been filed, and upon independent review of the record, the court finds no error in the R&R and concludes that the R&R should be adopted. Accordingly, it is ORDERED that:

1. The R&R (Doc. 13) is adopted.
2. Plaintiff's Eighth Amendment claims of denial of medical care may proceed against Defendants Dreibelbis and Long.
3. The following claims are dismissed with prejudice:
 - a. Plaintiff's Eighth Amendment claims of denial of medical care against Defendants Mahuut, Tyson, and Agawal.
 - b. Plaintiff's state law negligence claims against all Defendants.
 - c. Plaintiff's request for declaratory relief, seeking a declaration that Defendants' past conduct violated his constitutional rights.
 - d. Plaintiff's request for compensatory and punitive damages, to the extent that Plaintiff seeks such damages against Defendants in their official capacities.

4. This case is remanded to the Magistrate Judge for further proceedings, including service of Plaintiff's amended complaint on Defendants Dreibelbis and Long, and further including an R&R on any dispositive motions that may be filed thereafter.

/s/ William W. Caldwell
William W. Caldwell
United States District Judge